

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-14035-CR-CANNON/MAYNARD

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MARTINEZ BUILDERS SUPPLY, LLC,
D/B/A EAST COAST TRUSS, a Florida
Limited Liability Company,**

Defendant.

_____ /

REPORT AND RECOMMENDATION ON CHANGE OF PLEA

THIS CAUSE comes before me upon an Order of Reference from the District Court to conduct a proceeding for acceptance of a guilty plea by the Defendant in the above referenced case. Having conducted a change of plea hearing on October 28, 2024, I recommend to the District Court as follows:

1. On October 28, 2024, I convened a hearing to permit the Defendant MARTINEZ BUILDERS SUPPLY, LLC, D/B/A EAST COAST TRUSS (“Corporate Defendant”) to change its plea in this criminal case. Carlos Martinez, the Corporate Defendant’s President and Managing Member, entered the plea on the Corporate Defendant’s behalf as Authorized Corporate Officer (“ACO”).¹

2. At the hearing’s outset, I advised ACO Martinez of the Corporate Defendant’s right to have the District Judge assigned to this case conduct this proceeding. I advised him that I was conducting the Change of Plea Hearing at the request of the Corporate Defendant, the

¹ A duly authorized Corporate Resolution authorizing Carlos Martinez to enter the Plea Agreement on behalf of the Corporate Defendant is filed in the record at Docket Entry 24.

Corporate Defendant's attorney, and the Assistant United States Attorney assigned to this case. I advised him that the District Judge assigned to this case will be the sentencing judge, will make all findings and rulings concerning the Corporate Defendant's sentence and will schedule and conduct the Sentencing Hearing.

3. I advised ACO Martinez that he did not have to permit me to conduct this hearing but could request a United States District Judge to conduct the change of plea hearing instead. ACO Martinez, the Corporate Defendant's attorney, and the Assistant United States Attorney assigned to the case all agreed on the record and consented to have me conduct the change of plea hearing.

4. I conducted the plea colloquy in accordance with the outline set forth in the Bench Book for District Judges.

5. There is a written Plea Agreement which has been entered into by the parties in this case. DE 16. I reviewed that Plea Agreement on the record and had ACO Martinez acknowledge that he signed the Plea Agreement. I reviewed with ACO Martinez the possible maximum penalties as set forth in the Plea Agreement. He acknowledged that he understood the charges against the Corporate Defendant and the possible maximum penalties which could be imposed in this case.

6. On behalf of the Corporate Defendant, ACO Martinez pleaded guilty to Count One of the Information, which charges the Corporate Defendant with conspiracy to harbor aliens by means of employment, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(iii) and 1324(a)(1)(A)(v)(I).

7. The parties submitted a written Stipulation of Facts and Acknowledgement of Offense Elements in Support of Guilty Plea ("Stipulation of Facts"), which was signed by counsel

for the Government, counsel for the Corporate Defendant, and ACO Martinez. DE 17. ACO Martinez acknowledged that he has read the Stipulation of Facts and discussed it with the Corporate Defendant's attorney. He further acknowledged that he completely understands the Stipulated Factual Basis and agrees that it accurately sets forth the facts in the case as he understands them to be. I find that the factual basis sets forth all the essential elements of the crimes to which the Corporate Defendant is pleading guilty.

8. The Plea Agreement states that the Corporate Defendant agrees to forfeit to the United States a forfeiture money judgment in the sum of \$450,000.00 in United States currency, which sum the parties agree represents the value of any and all property that constitutes or is derived from or is traceable to proceeds the Corporate Defendant obtained from the commission of the offense charged in Count One of the Information. DE 16 at ¶ 6. I note that the parties agreed that the Corporate Defendant provided a certified check made payable to Homeland Security Investigations and delivered to the Government in the amount of \$450,000.00 prior to the plea hearing held on October 28, 2024.

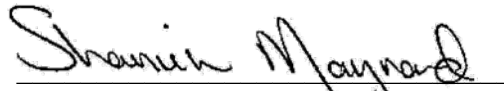
9. Based on the foregoing and the plea colloquy I conducted, I recommend to the District Court that the Corporate Defendant be found to have freely and voluntarily entered its guilty plea to Count One of the Information, as more particularly described herein, and that the Corporate Defendant be adjudicated guilty of that offense.

10. The United States Probation Office will conduct a pre-sentence investigation and will issue a report for sentencing purposes. I note that the Sentencing Hearing is set for **January 23, 2025 at 9:30 A.M. before U.S. District Judge Aileen M. Cannon in Courtroom 4008 at the United States District Courthouse, 101 South U.S. Highway 1, Fort Pierce, Florida.**

ACCORDINGLY, I recommend to the District Court that the Corporate Defendant's plea of guilty to Count One of the Information be accepted; that the Corporate Defendant be adjudicated guilty of the offense to which it pleads guilty; and that a sentencing hearing be conducted for final disposition of this case.

The parties shall have fourteen (14) days from the date of this Report and Recommendation within which to file objections, if any, with the Honorable Aileen M. Cannon, the United States District Judge assigned to this case. Pursuant to Federal Rule of Criminal Procedure 59(b)(2), failure to file a timely objection to this Report and Recommendation waives the party's right to review, and it bars the party from attacking on appeal any legal rulings or fact findings contained herein.

DONE AND SUBMITTED in Chambers at Fort Pierce, Florida, this 18th day of November, 2024.


SHANIEK MILLS MAYNARD
U.S. MAGISTRATE JUDGE